

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHARON MELISSA VIA, individually and)
as mother and next friend of A. H., a minor,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:06cv531-ID
)
ALLSTATE INDEMNITY CO., et al.,)
)
Defendants.)

ORDER

Before the court are counsel for Plaintiff's motions to withdraw. (Doc. Nos. 13-14.) On February 13, 2007, the court held an unrecorded, in-chambers hearing on the motions. Present at the hearing were Plaintiff Sharon Melissa Via, counsel for Plaintiff (Christina D. Crowe and Lynn W. Jinks III), and counsel for Defendant (Michael K. Gann). At said hearing, the court addressed whether counsel for Plaintiff's withdrawal from representation could "be accomplished without material adverse effect on the interests of the client," Ala. R. Prof. Cond. Rule 1.16, given the impending pretrial and trial dates. During the hearing, the court also apprized the parties that Dan W. Taliaferro had contacted the court earlier that day and informed the court that he had agreed to represent Plaintiff in this lawsuit.¹ On February 14, 2007, Mr. Taliaferro formally gave notice of his appearance as counsel for Plaintiff in this cause. (Doc. No. 18.)

¹ The court excused Mr. Taliaferro's attendance at the hearing due to Mr. Taliaferro's obligations in state court.

Pursuant to the discussions at the hearing, Mr. Taliaferro having been apprized of the same, it is CONSIDERED and ORDERED as follows:

(1) Based upon the court's finding that Plaintiff's interests will not be materially and adversely affected, Plaintiff's motions to withdraw be and the same are hereby GRANTED.

(2) The court shall not entertain a motion to continue the April 2007 pretrial hearing and May 2007 trial dates in this cause.

(3) Plaintiff is hereby DIRECTED to appear for a deposition upon oral examination on February 21, 2007, at 10:00 a.m., at the law offices of Mr. Taliaferro.

(4) Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff is DIRECTED to show cause, if any there be, no later than February 26, 2007, why the court should not dismiss the action without prejudice as to Defendant David Oletski.

DONE this 21st day of February, 2007.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE